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SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP-UP FOR THE
WEEK ENDING JULY 13

This is CWC-64-07.

INDUSTRY CLUSTER - LATE DECLARATIONS

¶1. (U) On July 10, the facilitator (Larry Denyer, U.S.) chaired a consultation on late declarations, which was well-attended. The discussion centered around the latest facilitator's draft decision text, as well as the Technical Secretariat's supporting paper, both of which were

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distributed during the June consultation.

¶2. (U) Even though they requested the paper from the TS, the Iranian delegation was quick to point out its supposed flaws. They also made a series of inaccurate statements that showed their lack of clear understanding of the issue.

¶3. (U) Although making very helpful interventions throughout, the South African delegate was clear about his inability to support any "new obligations" for States Parties, suggesting that operative paras (a) and (b) be completely removed. He made it clear that his concern was not that of his NA but in the name of small National Authorities like most within Africa. The New Zealand delegate made a similar plea on behalf of the Pacific Islands SPs, which are not typically represented at these consultations.

¶4. (U) Germany, France, Japan, Canada, and Switzerland all spoke in favor of the decision. Canada did, however, in light of others' concerns, suggest that the decision could be modified to address the impact that the lack of initial declarations has on this issue and to focus on timely declarations from those that have known declarable chemical industry. Germany (along with the UK) proposed that operative para (b) (allowing a one-time "nil" declaration, assuming nothing changes) was not needed and not preferable to an every-year requirement. Japan acknowledged that this decision was just a first step in fully solving this problem, and that the data gathered would allow the TS to know how best to help SPs submit declarations on-time.

¶5. (U) The Russian delegation made a surprisingly helpful

intervention wherein they reminded delegations of the careful verification activities that possessor states must undergo (which is "appropriate"), while those not submitting declarations are allowed to be in "permanent violation." He also compared the idea of "nil declarations" to the voluntary measures they are allowing for EC visits as an added measure of transparency. Rather than garnering negative reactions, these comments were actually welcomed by other delegations, particularly in light of the widely-agreed obligations for initial declarations.

¶16. (U) Switzerland once again related the work their NA does on behalf of Liechtenstein in preparing declarations. They pointed out the entirety of the industry review process to determine if anything needs to be declared takes about four hours, while the actual declaration process takes about one minute. They suggested, therefore, that the discussion not focus on burden to NAs but rather on how to prevent "non-compliance" by those who declare late.

¶17. (U) In light of the discussion, it was obvious that consensus on the current text is unachievable. Knowing that time is running out for making a recommendation to the Executive Council and then the Conference of States Parties (and that this is an issue that remains unresolved from the First RevCon and should be addressed before the Second RevCon begins), the facilitator will prepare a revised decision text based on those items that appear to be capable of consensus - e.g., insisting that outstanding initial declarations be submitted, stressing the importance of timely declarations, requiring those who submit late to explain why and to request assistance (if needed).

¶18. (U) This will go to delegations in the coming weeks so that capitals can appropriately react in time for the September consultation. The facilitator will work closely

with interested (and problematic) delegations before the September meetings to see if consensus on these more limited objectives can be reached and referred to the EC in late-September. The decision will also lay out those items that remain to be resolved and should be considered at the Second RevCon.

ARTICLE XI

¶19. (U) The Article XI consultation on July 12 marked the first consultation under the new facilitator, Mr. Li Hong of the Chinese delegation. The agenda for the meeting was: (1) Report by the DG on the Status of Implementation of Article XI (EC-48/DG.12 dated 5 March 2007); (2) TS presentation on implementation status; (3) general comments; and (4) any other business.

¶10. (U) The bulk of the meeting centered on ICA activities (e.g., associate program, research projects, conference support, equipment transfer, lab skills development) and funding. This included a presentation by Bijoy Chatterjee, head of the International Cooperation Branch, on ongoing activities (to be made available on the external server). There were several questions about the balance in ICA funding between the general budget and voluntary contributions. Iran asked for a more general presentation from the TS, while Japan asked for a briefing from the TS on the history of the issue. There was also some discussion about new States Parties and whether they are given priority consideration for these various programs.

¶11. (U) In response to questions from Iran, Legal Advisor Onate discussed SP efforts in the area of reviewing their legislation to ensure it is consistent with the CWC, etc. He reported that 57 SPs (31%) had reviewed their legislation and found it consistent, 3 SPs (2%) had reviewed their legislation and identified necessary modifications to their legislation (which are underway), 17 SPs (9%) are still reviewing their legislation, 16 SPs (9%) have not yet

reviewed their legislation, and 89 SPs (49%) have not yet responded to the 2004 TS questionnaire. He also said that the TS has no criteria for the legislative review of SPs, but rather on what the SPs report.

¶12. (U) China commented on the political will that would be necessary to fully tackle this issue. Iran concurred and hinted at a systematic approach like was done under Article VII. However, it was Brazil (who seldom intervenes at all) who, obviously at the instigation of others, first mentioned the idea of a plan of action for Article XI. This was quickly supported by Algeria and Cuba. South Africa was careful to call for starting with the CSP decision, which Mexico supported. Mexico (whose delegate was one of the co-facilitators for the earlier CSP decision), suggested that calls for additional information (like those of Iran) were probably not needed, as the earlier CSP decision was careful to consider all past work on the matter to come to as comprehensive a decision as possible. Del rep was the only WEOG delegate to intervene to say that using the CSP decision as our guide was preferable to any other plan that could be developed.

¶13. (U) Of other general interest, it was announced during the meeting that Chatterjee will be leaving the TS in the near future.

ARTICLE VII

¶14. (U) Kimmo Laukkanen (Finland) chaired a consultation on Article VII on July 12. The agenda was focused on updating recent developments, plan of activities, and follow-up to the action plan.

¶15. (U) In his update, Legal Advisor Onate first reported progress on establishment of National Authorities (NA). He
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stated that the TS has received no responses to date to the latest letter from the EC Chair to the remaining SPs without NAs. Of the 10 SPs that have yet to establish their NAs:

- Mauritania reported at the Algiers universality workshop that they are considering establishing their NA within their Ministry of Defense.
- The TS has not been able to establish any good contacts within Timor L'Este, because of the current political instability.
- In April, Afghanistan provided the TS with a list of possible members of their NA.
- The TS has had no contact with Cape Verde since September.
- Cambodia has published a decree to establish their NA. However, they have not reported the contact details to the TS. The result is, even though the TS is confident that the

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NA has been established, they cannot take them off the list until they are in a position to contact their NA.

- The TS worked extensively with Honduras to provide them with draft decrees for NA establishment. Honduras now reports that a draft decree is under consideration, with the hope to establish the NA before the end of August.
- Montenegro has established its NA by ministerial decree. However, they have not reported the contact details to the TS. The result is, even though the TS is confident that the NA has been established, they cannot take them off the list until they are in a position to contact their NA.
- Comoros has established an interim and provisional NA, however the TS has not been informed whether this NA has yet been finalized.
- The Central African Republic is only awaiting their Ministry of Justice to name its representative to their NA before this can be finalized.
- Barbados (a new SP) has no NA yet.

¶16. (U) Onate also reported that 119 SPs had submitted

Article VII reports, up from 117. On the legislative front, 50 SPs now have comprehensive legislation, up from 47. The three new SPs with legislation are Argentina, Madagascar, and Tunisia.

¶17. (U) Onate also reported recent and upcoming TS contacts/visits:

- During the June 18-19 universality workshop in Algiers, Article VII consultations were held on the margins, yielding good results.
 - During the June 20-22 legislative drafting workshop held in The Hague, the following SPs left with complete drafts of their legislation: Burundi, Central African Republic, Congo, Djibouti, Laos, Montenegro, Rwanda, San Marino, Swaziland, and Turkmenistan. This was the first time this format had been used, which allowed all of the LAO resources to be at hand.
 - Advanced NA training was held July 2-6 in Spain, focusing on criminal enforcement.
 - A workshop was underway this week in South Africa.
 - A meeting of parliamentarians from 9 Latin American SPs will be held in Bogota on July 27-29.
 - In early August, VERIFIN will host a training course, which will include drafting assistance.
 - In mid-August, a workshop will be held with 7 SPs in the south Pacific.
- Other delegations reported their outreach/training efforts, including the ongoing industry workshop in Manila that was organized by Japan and Australia.

¶18. (U) Russia was the first delegation to express support for a continuation of the work of the action plan after the upcoming CSP. This was supported by the U.S., Germany, Sweden, Mexico, France, Algeria, and the UK. Given the ongoing nature of this effort, Iran questioned whether this needs to continue to be a priority, which China supported.

¶19. (U) Ito sends.
GALLAGHER